

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL THEIN,

Plaintiff,

v.

OAK HARBOR POLICE DEPARTMENT,

Defendant.

Case No. 2:23-CV-01832-RSM

ORDER TO SHOW CAUSE

Pro se Plaintiff Michael Thein was granted leave to proceed *in forma pauperis* on November 30, 2023. Dkt. #3. The Complaint has been posted on the docket. #4. Summons has not yet been issued. Mr. Thein was ordered to amend his Complaint within thirty days on December 18, 2023. Dkt. #6. He filed Amended Complaint on December 29, 2023. Dkt. #8.

Mr. Thein alleges the following causes of action against the Oak Harbor Police Department under several citations, including § 1983, the Fourth Amendment, the Civil Rights Act of 1964, Washington Administrative Code, and “Act of 1986 ECPA.” *Id.* at 1, 5. He lists several locations, such as “Zoo NW . . . by Ave trl . . . 9 Oak Harbor, WA . . . Skagit Valley Hospital Mount Vernon WA . . . [and] Swinomish Casino Lodge[,]” but notes the events giving rise to this claim occurred in Oak Harbor, Washington. *Id.* at 6. He names several people,

1 including “Dad” and “Mom,” as being in car accidents, and he claims emotional and physical
2 injuries concerning numerous people. *Id.* at 7. Mr. Thein further claims “immaterial” and
3 “irreparable” damages, as well as actual, economic, and breach of contract damages. *Id.* at 7.
4 He vaguely states that these events occurred between “March 2007 – Present[.]” *Id.* at 6.

5 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises
6 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from
7 such relief. *See* 28 U.S.C. § 1915(e)(2)(B).

9 The Court finds that Mr. Thein’s Amended Complaint fails to state a claim upon which
10 relief can be granted. The Complaint is devoid of sufficient detail to bring a cause of action
11 against the Defendant, e.g. the who, what, where, when, and why of the incident that caused
12 Plaintiff’s injuries. Defendant cannot respond to these accusations without further factual details.
13 For example, Mr. Thein cites to period of time spanning almost seventeen years for the events
14 giving rise to his claims. Dkt. #8 at 6. He alleges several people suffered numerous injuries but
15 provides no information as to how these injuries occurred or whether there was one or multiple
16 car accidents. *Id.* at 6-7. The Complaint fails to indicate how this Court has subject matter
17 jurisdiction and provides no information as to how these events involved Defendant. Although
18 the Court is sympathetic to Mr. Thein, it appears clear to the Court that this lawsuit is frivolous
19 and that the Court cannot provide relief for Plaintiff.

22 The Court has identified deficiencies that require dismissal. *See* 28 U.S.C. §
23 1915(e)(2)(B). In Response to this Order, Plaintiff Thein must write a short statement telling the
24 Court why this case should not be dismissed as frivolous. **This Response may not exceed six**
25 **double-spaced (6) pages.** Attachments or amended pleadings are not permitted. The Court will
26 take no further action in this case until Mr. Thein has submitted this Response.
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1 Accordingly, the Court hereby finds and ORDERS that Mr. Thein shall file a Response
2 to this Order to Show Cause containing the detail above **no later than thirty (30) days from the**
3 **date of this Order.** Failure to file this Response will result in case dismissal.

4 DATED this 3rd day of January, 2024.

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7 RICARDO S. MARTINEZ
8 UNITED STATES DISTRICT JUDGE
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